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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,177	10/04/2004	Robert Alexander Howell	BAE 3055	6771

7590 02/10/2009  
KRAMER & AMADO, P.C.  
Suite 240  
1725 Duke Street  
Alexandria, VA 22314

EXAMINER
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CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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02/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,177	<b>Applicant(s)</b> HOWELL ET AL.	
	<b>Examiner</b> Eric Culbreth	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,9,11,14-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,14,15,19,20,23,26 and 28 is/are allowed.
- 6) ☒ Claim(s) 3-4 9 11 16-17 21-22 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 11/26/08. These drawings are approved.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-4, 9, 16-17, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 and claim 4 the recitation of "similar metal materials" is indefinite, suggesting structure but not defining it (i.e., when is this limitation infringed or not infringed).

As claim 9 depends from claim 26, the recitation of the welded joint with butt and weld configuration joining four material surfaces is a double inclusion of the new limitations added to claim 26.

4. Claims 11, 18, 22 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 does not end with a period.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11 and 18 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 8-188022 (of record).

. Japanese '022 discloses elements in Figure 8(B) formed of sheet metal, comprising a vehicular suspension arm in Figure 7(A) including an upper sheet metal component with a first outer and inner face and comprising a central a first central web portion and upstanding flange portions on opposite sides, and a lower sheet metal component with similar central web and flange portions. How the sheet metal is formed (stamping) is not patentably distinguishing in an article claim (MPEP 2113). The inner web portions contact in Figure 8(B) to form an I-beam section wherein the thickness of each upstanding portion is at least equal to the combined thickness of the first and second web portions. Also in Figure 8(B), the web portions are joined back-to-back, but the reference does not teach the kind of weld. The method of welding (projection welding) is not patentably distinguishing in an article claim as per MPEP 2113 above (claim 11). Regarding claim 18, Japanese '022 teaches an through opening on the left end of the suspension arm in Figure 7(A), and this through opening would be in aligned openings in the first and second members in Figure 8(B). As functionally recited the

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hole formed is suitable (capable) of receiving a ball joint, and how the holes are formed (extruded) is not patentably distinguishing in an article claim as per MPEP 2113 above.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 11 and 18 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 8-188022 (of record) in view of Takahashi et al US006098287A, newly cited.

Japanese '022 discloses elements in Figure 8(B) formed of sheet metal, comprising a vehicular suspension arm in Figure 7(A) including an upper sheet metal component with a first outer and inner face and comprising a central a first central web portion and upstanding flange portions on opposite sides, and a lower sheet metal component with similar central web and flange portions. How the sheet metal is formed (stamping) is not patentably distinguishing in an article claim (MPEP 2113). The inner web portions contact in Figure 8(B) to form an I-beam section wherein the thickness of each upstanding portion is at least equal to the combined thickness of the first and second web portions. Also in Figure 8(B), the web portions are joined back-to-back, but the reference does not teach the kind of weld. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Japanese '022 to include a projection weld as the welds in Figure 8(B) as taught by Takahashi et al in

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order to weld the parts together using conventional welding technique that would yield predictable results (Takahashi et al, column 1, lines 10-32) (claim 11). Regarding claim 18, Japanese '022 teaches an through opening on the left end of the suspension arm in Figure 7(A), and this through opening would be in aligned openings in the first and second members in Figure 8(B). As functionally recited the hole formed is suitable (capable) of receiving a ball joint, and how the holes are formed (extruded) is not patentably distinguishing in an article claim as per MPEP 2113 above.

9. Claims 27 and 22 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese '022 in view of Layman 1,380,659 (of record). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Japanese '022 to include returned flanges as taught by Layman in Figure 16 in order to further reinforce or strengthen the suspension arm (by doubling the thickness of the flanges). In the combination Japanese '022 teaches a discontinuity in the flanges at body attachment detail 3 inasmuch as applicant's disclosure and claims.

10. Claims 27 and 22 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese '022 in view of Takahashi et al as applied to claim 11 above, and further in view of Layman 1,380,659 (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Japanese '022 and Takahashi et al to include returned flanges as taught by Layman in Figure 16 in order to further reinforce or strengthen the

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suspension arm (by doubling the thickness of the flanges). In the combination Japanese '022 teaches a discontinuity in the flanges at body attachment detail 3 inasmuch as applicant's disclosure and claims.

***Allowable Subject Matter***

11. Claims 1-2, 14-15, 19-20, 23, 26 and 28 are allowed.
12. Claims 3-4, 9, 14-15 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth  
Primary Examiner  
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